

**Notice of Allowability**

Application No.

09/314,958

Applicant(s)

IIDA, JUNICHI

Examiner

Art Unit

Joseph R. Pokrzywa

2622

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply dated 1/6/05.
2. ☒ The allowed claim(s) is/are 19-24, 27-33 and 37-60 (renumbered as claims 1-6, 24, 12-17, 23, 31, 7-8, 18-19, 25-26, 32-33, 9, 20, 27, 34, 10, 21, 28, 35, 11, 22, 29, 36, 30 and 37, respectively).
3. ☒ The drawings filed on 20 May 1999 and 27 May 2003 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

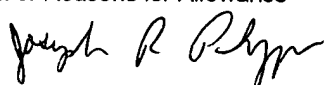
Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 2/1/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
Joseph R. Pokrzywa  
Primary Examiner  
Art Unit: 2622

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see pages 2-9, filed 1/6/05, with respect to the rejection of claims 19-24, 27-33, and 37-60, cited in the Office action dated 10/7/04 under 35U.S.C.103(a), as being unpatentable over Smith *et al.* (U.S. Patent Number 6,385,655) in view of Saito *et al.* (EPO Publication EP 0 835 011), have been fully considered and are persuasive. The examiner concedes that Smith and Saito lack motivation to combine the references to achieve the claimed invention. Therefore, the rejection of claims 19-24, 27-33, and 37-60 has been withdrawn.

### ***Information Disclosure Statement***

2. The references listed in the Information Disclosure Statement submitted on 2/1/05 have been considered by the examiner (see attached PTO-1449).

### ***Allowable Subject Matter***

3. **Claims 19-24, 27-33, and 37-60 are allowed (renumbered as claims 1-6, 24, 12-17, 23, 31, 7-8, 18-19, 25-26, 32-33, 9, 20, 27, 34, 10, 21, 28, 35, 11, 22, 29, 36, 30, and 37, respectively).**

4. The following is an examiner's statement of reasons for allowance:

Regarding independent ***claims 19, 28, 37, and 38 (renumbered claims 1, 12, 23, and 31, respectively)***, in the examiner's opinion, it would not have been obvious to one of ordinary skill in the art at the time the invention was made to have a communication apparatus include the

Art Unit: 2622

functions of an e-mail transmitter, which transmits an e-mail to a destination in response to an input from an included control panel, whereby the communication result of the e-mail transmission is stored as an HTML file in a memory of the apparatus and is transmitted when requested by a terminal connected over a network. The closest prior art, previously noted as Smith *et al.* (U.S. Patent Number 6,385,655) teaches of a server apparatus that transmits an e-mail, and saves an HTML file of the communication result, but fails to teach of the server having a control panel that at least enters a destination address. Other prior art, notably Saito *et al.* (EPO Publication EP 0 835 011), teaches of an apparatus that transmit e-mail data, having a control panel that enter the destination address, but lacks the specific teaching requiring storing a communication result file as a HTML file.\* Further, because Saito teaches that the netfax device is used as a source of transmission, the reference lacks motivation to combine with a server device taught by Smith, which receives messages and forwards them. Therefore, the claims are rendered allowable.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Citation of Pertinent Prior Art***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Art Unit: 2622

**Flynn *et al.*** (U.S. Patent Number 6,618,747) discloses an electronic communication delivery confirmation and verification system; and

**Shibata** (U.S. Patent Number 6,825,955) discloses a device that notifies a receiver of a transmitted e-mail message using facsimile protocol.

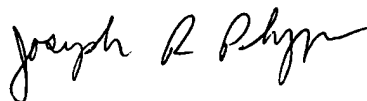
### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (571) 272-7410. The examiner can normally be reached on Monday-Friday, 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa  
Primary Examiner  
Art Unit 2622



jrp